



# Town of Groton, Connecticut

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## Meeting Minutes - **Draft**

### Town Council Committee of the Whole

**Mayor Harry A. Watson, Councilors Heather Sherman Bond, Kathryn M. Brown-Tracy, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, Paulann H. Sheets, and James L. Streeter**

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**Tuesday, August 26, 2008**

**7:00 PM**

**Town Hall Annex - Community Room 1**

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#### **REGULAR MEETING**

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**1. CALL TO ORDER**

*Mayor Watson called the meeting to order at 7:19 p.m.*

**2. ROLL CALL**

Members Present: Mayor Watson, Councilor Bond, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Schmidt, Councilor Sheets and Councilor Streeter  
Members Absent: Councilor Brown-Tracy

*Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent and Executive Assistant Nicki Bresnayan.*

**3. Calendar and Communications**

*None.*

**4. Approval of Minutes**

**2008-0210 Approval of Minutes (Committee of the Whole)**

**RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES**

RESOLVED, that the minutes of the Town Council Committee of the Whole meeting of August 5, 2008 and August 12, 2008 are hereby accepted and approved.

**A motion was made by Councilor Schmidt, seconded by Councilor Monteiro, to adopt.**

**The motion carried unanimously**

**5. UNFINISHED BUSINESS**

*None.*

**6. NEW BUSINESS**

**2008-0213 Charter Revision Commission - Submittal of Final Report**

**Recommended for a Resolution**

*Councilor O'Beirne reminded the Council that the Charter Revision Commission (CRC) transmitted its initial report to the Town Council and the Town Council subsequently held a public hearing on the proposal. After discussion of the proposed Charter, the Council came up with seven recommended changes. The proposed Charter was also reviewed by the Town Attorney and a number of changes were recommended to improve consistency, clarity and intent. Last night, the CRC addressed the Town Council and Town Attorney recommended changes. One recommendation of the Town Council that was opposed by the CRC was with respect to Sec. 3.6.1 Vacancies in Elective Office. Councilor O'Beirne explained the Commission's reasoning for not changing the section.*

*Town Attorneys Eileen Duggan and Mike Carey were present to explain their recommendations. Mr. Carey noted there were a number of items that were simply designed to raise issues for discussion and most of his questions were answered by the Commission to his satisfaction last night. As a result, the Town Attorney has withdrawn his comments 1D, 2A, 3A, 6C, 8A, 9A, 16A*

and 21A. Attorney Duggan's comments were more substantive and dealt with personnel type issues.

Councilor O'Beirne noted that the new draft reflects all of the comments of the Town Council and Town Attorney and Councilors also received an updated listing of the changes proposed. Councilor O'Beirne stated that this represents the final proposal from the CRC and they are asking that the Town Council accept the final report, and send the proposed Charter to referendum in November by setting the date and form of the question and authorizing the preparation of explanatory text. The entire charter and list of proposed changes will be on the Town's web site. The deadline for Town Council action is September 4th.

Town Clerk Barbara Tarbox noted that the changes were made since last night's CRC meeting, and the document will be reviewed and final edited.

Councilor Sheets asked if there was any discussion on other alternatives to having the RTM fill a vacancy on the Town Council if the Council were not able to do that, such as holding a special election. Councilor O'Beirne noted that there was no discussion of that option since a replacement would have to come from the same party.

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Kolnaski, to approve the recommendations of the Town Attorney and forward them to the Charter Revision Commission for inclusion in the amendments to the proposed Charter.

The motion carried unanimously

A motion was made by Councilor Bond, seconded by Councilor Monteiro, to accept the final report of the Charter Revision Commission as amended by recommendations of the Town Council and the Town Attorney.

The motion carried unanimously

**2008-0200 Explanatory Text for Revised Charter**

A motion was made by Mayor Watson, seconded by Councilor Bond, that this matter be Recommended for a Resolution.

The motion carried unanimously

**2008-0204 Setting the Date and Question for the Charter Revisions**

Discussed

Councilor Sheets noted that she agrees with the minority report that would have allowed a separate referendum question on the subject of a budget referendum.

A motion was made by Councilor Monteiro, seconded by Councilor Bond, that this matter be Recommended for a Resolution.

The motion carried unanimously

**2008-0105 Tercentennial Legacy Playground - Update**

Discussed

Town Manager Oefinger noted there will be a dedication ceremony on Saturday, September 20th at 9:00 a.m. The date is tentative until the Town can confirm that the sign will be completed by that date.

**2008-0121 Condition of Chipperini Property on Library Street**

Discussed

Director of Planning and Development Mike Murphy noted that an order for demolition and regrading of the site was issued by the Building Official. The owner stated that she intends to comply with the order and has submitted the demolition application which is pending. The only outstanding issue is notification of abutting property owners. Once the permit is issued, the owner has 30 days to start demolition and 30 days to complete it. The outstanding Historic District

*Commission and zoning issues will be addressed in the future, including the concrete wall. Discussion followed on the wall.*

**2008-0174 National Park Service - American Battlefield Protection Program**

**Discussed**

*A public information meeting was held on August 20th and was well-attended. A number of comments, questions, and suggestions were generated. The Town is expecting a formal request from Kevin McBride of the Mashantucket Pequot Museum seeking Town Council permission to survey a number of Town parcels. Councilor O'Beirne asked if there is independent verification that if something is found, the Mashantuckets can not make a claim on the property. Mr. McBride was going to put together a packet of information on legalities, which can then be reviewed if desired. Councilor Schmidt noted that if people are apprehensive, they do not have to allow access to their land. The Town Manager noted that documentation exists to address property owners' concerns.*

**2008-0189 Appointment to New London Ledge Lighthouse Board of Directors**

**Recommended for a Resolution**

*Councilor Streeter noted that the bylaws of the Ledge Lighthouse Board of Directors call for a Town Council appointment to the Board. Previously, the Town was represented by Charles Koslosky. Town Manager Oefinger asked Councilor Streeter to provide a copy of the bylaws.*

**A motion was made by Councilor Bond, seconded by Councilor Kolnaski, to appoint Councilor Monteiro to the New London Ledge Lighthouse Board of Directors.**

**The motion carried unanimously**

**2008-0201 Groton Community Boating Club Board of Advisors - Town Council Liaison**

**Discussed**

*The Council asked the Town Manager to seek additional information from Mr. Eckelmeyer on when the Board meets and how often, for future discussion.*

**2008-0047 20th Anniversary of Mystic Pizza**

**Discussed**

*Mayor Watson noted that the Chamber of Commerce is organizing an event to commemorate the 20th anniversary of the movie, Mystic Pizza. Councilor Schmidt indicated she is on the Committee and the event is scheduled for October 17th.*

**2008-0212 Long Island Sound (LIS) Grant - Esker Point Park Shelter**

**Discussed**

*Town Manager Oefinger noted this project was identified in the Capital Improvement Program. It is a \$60,000 project with \$25,000 coming from a grant, and \$35,000 from Capital Reserve. The RTM did not approve the project and the reason was not clear. Now that the grant has been approved, the Town Manager would like to secure Town Council and RTM approval for a supplemental appropriation. The Department of Environmental Protection will give the Town until mid-October to get back to them about the availability of matching funds. Councilor Monteiro asked if the shelter would be available for rental and Town Manager Oefinger stated yes, but the fees help pay for clean up and maintenance as opposed to the cost of the facility.*

**A motion was made by Councilor Kolnaski, seconded by Councilor Schmidt, that this matter be Recommended for a Resolution.**

**The motion carried unanimously**

**2008-0214 Citizens' Petition Concerning the Zoning Commission**

**Discussed**

*Councilors Schmidt and Streeter listened to the tape of the Zoning Commission meeting in question and all Councilors received a copy of the transcript provided by the owners of Precious*

*Memories. Councilor O'Beirne noted that the report from Mike Murphy does not answer his questions regarding how the applicants were treated in front of the Zoning Commission or how the Commission behaved. Town Manager Oefinger stated that would put staff in a very difficult position and such questions should be addressed in an executive session setting. Mr. Murphy was not at the Zoning Commission meeting. Mr. Murphy documented the facts at the request of the Town Manager. The Town Manager explained that Ms. Bohonowicz and Mr. Eckersley are looking for fair treatment at the September 3, 2008 public hearing on their resubmitted application, and perhaps Town Councilors would like to sit in to observe the procedure.*

*Councilor O'Beirne asked if it would be appropriate to request a response from the Chairman of the Zoning Commission. The Town Manager stated that would be fair and suggested that Councilors could also speak with other Commissioners regarding their impression of the meeting.*

*Councilor Streeter stated that he listened to the entire tape and he noted that the non-verbal communications can not be discerned from a written transcript. He believes that a response and a report from the Chairman are appropriate.*

*The consensus of the Council was to request a response to the complaint from the Chairman of the Zoning Commission.*

**7. Consideration of Committee Referral Items as per Town Council Referral List**

*None.*

**8. OTHER BUSINESS**

*Councilor Sheets stated she will be bringing a recommendation on a Task Force on Climate Change to the Committee of the Whole at the September 9th meeting.*

**9. ADJOURNMENT**

*A motion was made by Councilor Kolnaski, seconded by Councilor Schmidt, to adjourn the meeting at 8:37 p.m.*

*The motion carried unanimously.*